

**CUSTOMER NO.: 24498**

**Serial No. 09/869,397**

Reply to Final Office Action dated: 8/25/06

Response dated: 10/18/06

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**REMARKS**

In the Office Action, the Examiner noted that claims 1-10 are pending in the application and that claims 1-10 stand rejected. By this response, no claims are amended.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of the claims are anticipated under the provisions of 35 U.S.C. § 102 or rendered obvious under the provisions of 35 U.S.C. § 103. Thus the Applicant believes that all of these claims and the application are now in allowable form.

**Rejections**

**A. 35 U.S.C. § 102**

The Examiner rejected claims 1-2, 5 and 7-10 under 35 U.S.C. § 102(e) as being anticipated by Isaka (U.S. Patent No. 5,706,388). The rejection is respectfully traversed.

The Examiner alleges that Isaka teaches a process for recording a digital video and audio data stream including all of the aspects of the Applicant's invention. The Applicant respectfully disagrees.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)). (emphasis added). The Applicant respectfully submits that Isaka fails to teach each and every element of at least the Applicant's claim 1, which specifically recites:

"A process for recording a digital video and audio data stream wherein recording being carried out on a medium organized in the form of logic blocks in series and comprising a recording and reading head, said process comprising the steps of:

recording data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block; and

following the triggering of the reading of the recorded data, alternately reading a continuous series of said previously recorded blocks and continuing the recording of data in said unrecorded blocks immediately following the blocks read. (emphasis added).

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The Applicant's claim 1 finds support throughout the specification. More specifically, Claim 1 is directed to a process for recording a digital video and audio data stream wherein recording being carried out on a medium (hard disk 201 on page 5, line 23) organized in the form of logic blocks in series and comprising a recording and reading head, the process including the steps of recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block (see figure 9a, page 18 lines 10-13) and following the triggering of the reading of the data, alternately reading a continuous series of previously recorded blocks and continuing the recording of data in the unrecorded blocks immediately following the blocks read (see page 18 lines 14-21).

In contrast to the invention of the Applicant, at least as claimed by the Applicant's independent claim 1, Isaka teaches and describes a recording system recording received information on a recording medium while reproducing received information previously recorded on the recording medium. Isaka, in col. 6, lines 6-24 and referring to FIG. 3, as pointed out by the Examiner, specifically recites:

"In FIG. 3, a number in a circle indicates an order of a step in the operation. Each of blocks 1 through n+2 corresponds to an area of the recording medium 6a in which area the predetermined amount of data corresponding to a capacity of the reception buffer memory 1 or 2 is to be recorded.

In block 1 is recorded the first predetermined amount of data, and in block n is recorded the nth predetermined amount of data. In FIG. 3, the operation is started from recording in the nth block. That is, the blocks 1 through n-1 have already been recorded. An arrow in FIG. 3 indicates a movement of the recording/reproducing head. Accordingly, the recording/reproducing head moves, after the recording in the nth block is completed, to the block 1 to reproduce the data already recorded in the block 1. The recording/reproducing head moves, after the reproducing of the data in the block 1 is completed, to the block n+1 to record the predetermined amount of data in the block n+1."

As clearly evident from at least the portion of Isaka presented above and with reference to FIG. 3 of Isaka, Isaka absolutely fails to teach, suggest or anticipate at least "recording data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1. Instead and in

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contrast to the invention of the Applicant, Isaka teaches recording data in a series of continuous blocks  $n$  through  $n+2$  (illustrated in FIG. 3) and reproducing data from a series of previously recorded continuous blocks 1 through 3. In Isaka, as recited in col. 6, lines 5 to lines 24, the recording/reproducing head has to move from block  $n$  to block 1, therefore inducing big jumps to the reading head, which is a deficiency in the prior art addressed by the invention of the Applicant. That is, the invention of the Applicant avoid the need for such big jumps of the recording/reproducing head by "recording data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1.

For at least the reasons recited above, the Applicant respectfully submits that Isaka absolutely fails to teach, suggest or anticipate each and every element of the claimed invention, arranged as in the claim and specifically at least "recording data on said medium as a pattern of at least one recorded block immediately followed by at least one unrecorded block" as taught and claimed by the Applicant's invention.

Therefore, the Applicant submits that for at least the reasons recited above, independent claim 1 is not anticipated by the teachings of Isaka and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Likewise, independent claim 7 recites similar relevant features as recited in the Applicant's independent claim 1. As such, the Applicant respectfully submits that for at least the reasons recited above independent claim 7 is also not anticipated by the teachings of Isaka and also fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Furthermore, dependent claims 2, 5 and 8-10 depend either directly or indirectly from independent claims 1 and 7 and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 2, 5 and 8-10 are also not anticipated by the teachings of Isaka. Therefore the Applicant submits that dependent claims 2, 5 and 8-10 also fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

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**B. 35 U.S.C. § 103**

The Examiner rejected claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Isaka in view of Official Notice. The rejection is respectfully traversed.

The Examiner alleges that claims 3 and 4 differ from Isaka in that Isaka fails to teach that when the set of blocks recorded before the triggering of reading have been read, recording is continued in a loop in the blocks previously read and rewritten in a non-interlaced manner.

The Examiner applied Isaka for the rejection of claims 3 and 4 as applied above for the rejection of the Applicant's claim 1. As described above, Isaka absolutely fails to teach, suggest or anticipate at least the Applicant's independent claim 1. As such, and at least because Isaka fails to teach, suggest or anticipate the Applicant's independent claim 1, the Applicant further submits that Isaka also fails to teach, suggest or anticipate the Applicant's claims 3 and 4, which depend from the Applicant's claim 1.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 3 and 4 are not rendered obvious by the teachings of Isaka and the Examiner's Official Notice and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

**C. 35 U.S.C. § 103**

The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Isaka in view of Ogawa (U.S. Patent No. 6,115,799). The rejection is respectfully traversed.

The Examiner applied Isaka for the rejection of claim 6 as applied above for the rejection of the Applicant's claim 1. As described above, Isaka absolutely fails to teach, suggest or anticipate at least the Applicant's independent claim 1. As such, and at least because Isaka fails to teach, suggest or anticipate the Applicant's independent claim 1, the Applicant further submits that Isaka also fails

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to teach, suggest or anticipate the Applicant's claim 6, which depends from the Applicant's claim 1.

Furthermore, the Applicant submits that Ogawa also fails to teach, suggest or render obvious at least a process for recording a digital video and audio data stream including recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1. That is, the teachings of Ogawa for an information processing apparatus and associated method for managing a memory using a next fit and for reducing a memory fragmentation problem fail to teach, suggest or render obvious at least a process for recording a digital video and audio data stream including recording data in a pattern of at least one recorded block immediately followed by at least one unrecorded block as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1.

As such, the Applicant submits that at least because Ogawa fails to teach, suggest or render obvious at least the Applicant's independent claim 1, the Applicant further respectfully submits that Ogawa also fails to teach, suggest or render obvious the Applicant's claim 6, which depends directly from the Applicant's independent claim 1 and recites further technical features thereof.

As such and for at least the reasons recited above, the Applicant respectfully submits that the teachings of Isaka and Ogawa, alone or in any allowable combination, fail to teach, suggest or make obvious the invention of the Applicant with regard to at least the Applicant's independent claim 1. As such, the Applicant further submits that the teachings of Isaka and Ogawa, alone or in any allowable combination, also fail to teach, suggest or make obvious the invention of the Applicant with regard to dependent claim 6, which depends directly from the Applicant's independent claim 1, and recites further technical features thereof.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 6 is not rendered obvious by the teachings of Isaka and Ogawa, alone or in any allowable combination and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

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**Conclusion**

The Applicant respectfully submits that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.


If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

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